

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JUNE 14, 2016**

CALL TO ORDER

At 7:02 p.m. Mayor Woodruff called the meeting to order and stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Also present were Township Attorney Joseph Sordillo, Township Administrator John Bussicula and Township Clerk Ana Minkoff.

FLAG SALUTE

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

CONFERENCE SESSION – Discussion on Design Standards -Part 19

The meeting CD began recording at 7:04 p.m.

The Mayor asked if anyone had any comments on Design Standards, Part 19.

Mr. Delia asked that no one else go first as he was going to be a while. He stated that he wanted to go through it page by page to discuss things and elaborated. The Mayor asked if Mr. Delia was referring to the amended sections or the entire 19.1. Mr. Delia responded. A lengthy discussion continued, with Mr. Delia referring to items on pages 2 and 3, use of the word "urban," Section 19.4.3, pages 6, 7, 8, 10, 12, 14, 16, 24, 25, 28, 29, and 36.

Mr. Faecher gave an overview as to the pending Affordable Housing litigation, including a summary of New Jersey Mount Laurel litigation Court proceedings dating back to 1975, the status of the Legislative process, and the Township of Berkeley Heights' history of compliance. Mr. Faecher spoke about the Court's case management process in Union County, specifically regarding the Court's decision that one town would need to litigate all of the issues and would have to bear the costs of the litigation of determining the number and methodology for applying Affordable Housing. Mr. Faecher stated that on June 2nd, the Court announced that Berkeley Heights is the municipality which will try the case and that Summit is the backup town. Mr. Faecher stated that a trial date was originally set for August 2nd and has now been adjourned to September 6th. Mr. Faecher elaborated on possible next steps (i.e., settlements, preparing for trial, and legislative solutions.) Mr. Faecher stated that the Township has complied and will continue to comply and elaborated.

Referencing recent road work at Hampton Drive, Mr. D'Aquila suggested introducing an ordinance which would require curb to curb repair when an outside party (i.e., a utility company) makes a road repair. Mr. Sordillo responded. Discussion ensued (The Mayor, Mr. Sordillo, Mr. Bocchino, Mr. Faecher, Mr. D'Aquila, Mr. Delia.)

TOWNSHIP COUNCIL REPORTS

Mr. D'Aquila – Mr. D'Aquila thanked everyone who worked on the Memorial Park renewal and elaborated on the dedication. He thanked the Mayor for meeting with the first graders at Mary Kay McMillin School.

Mr. Pirone – Mr. Pirone had nothing to report.

Mr. Delia – Mr. Delia spoke about repairing a certain Snyder Avenue sewer. Discussion ensued. Mr. Delia spoke about the pond at Lord Littell. He stated that since the fish were removed, the pond is a disgusting mess. He elaborated on a solution and encouraged everyone to view the area. Discussion ensued (Mr. Pirone, Mr. Bocchino, Mr. Delia, the Mayor and Chief DiPasquale.)

Mr. Faecher – Mr. Faecher stated that he had nothing more to report.

Mr. Pastore – Mr. Pastore stated that he too wanted to thank the Memorial Park Committee and elaborated.

Mrs. Kingsley – Mrs. Kingsley noted that today was Flag Day. She stated that all of the Township schools did a fabulous job celebrating the Flag and elaborated. She thanked Ted Romankow and Gay Hollowell and elaborated. Referencing a lighting-struck tree on her property, Mrs. Kingsley thanked the Fire, Police and DPW for their work and responding so quickly. Mrs. Kingsley stated that the Beautification Committee is beginning to work with the Township Planner on Article 5, Signage. She asked anyone who is interested in this work to please attend the Beautification Committee meetings. Mrs. Kingsley gave a banner update.

Mayor Woodruff – Referencing Mr. Faecher's update, the Mayor spoke about an upcoming meeting with State Senator Mr. Sweeney. He elaborated about the legislator's response to the affordable housing issue, i.e., there is a lack of leadership. The Mayor spoke about the recent Friday Night Comedy Night sponsored by the Fire Department and stated that it was good night. The Mayor spoke about his recent appearance at Mary McMillin School and elaborated.

Mr. Bussiculo – Mr. Bussiculo presented updates from these Township Departments: Recreation, Engineering, Public Works, Building, and Sewer. He also spoke about the recent New Jersey Transit work at Snyder Avenue. Mr. Bussiculo gave updates on: 1) Stormwater management and 2) Passaic River de-snagging.

The Mayor spoke about the upcoming street fair to be held next Sunday and encouraged all to attend.

Moved by Mr. D'Aquila to approve the Township Council and Administration Reports, seconded by Mrs. Kingsley and upon roll call vote:

Ayes:	Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays:	None
Abstain:	None
Absent:	None

APPROVAL OF MINUTES

Moved by Mr. Pirone to approve the following minutes, seconded by Mr. D'Aquila and upon roll call vote:

Public Meeting – May 24, 2016

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Moved by Mr. Pirone to approve the following minutes, seconded by Mr. D'Aquila and upon roll call vote:

Executive Session – December 2, 2014

Ayes: Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: Mr. D'Aquila and Mr. Faecher
Absent: None

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Faecher to open the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

The Mayor noted that if anyone had comments on Redevelopment (new building) and/or or Part 19, they would be able to voice them at the Public Hearing section of the meeting.

Hearing no voices, moved by Mr. Faecher to close the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

The Mayor proposed that we flip the discussions so that Redevelopment was first, noting that there are a lot of individuals that want to address that.

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON MAY 24, 2016.

The Clerk presented and read:

**“An Ordinance of the Township of Berkeley Heights, County of Union,
State of New Jersey, Adopting a Redevelopment Plan for the
Township’s Municipal Complex Pursuant to the Local Redevelopment
and Housing Law.”**

Moved by Mr. Pastore to open the public hearing on the ordinance as read by the Township Clerk,
seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D’Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

The Mayor asked Mr. Faecher to provide comments which may be appropriate before the first person approaches the microphone. Mr. Faecher stated that this was the second reading of the Redevelopment plan ordinance. He stated that it was the culmination of a very long process. Mr. Faecher stated that it was also the start of another process. Mr. Faecher noted the extensive public hearing, comment and outreach on this and elaborated. Mr. Faecher noted that the plan and getting to this point had involved a great deal of work by a lot of people, led most recently by former Councilman Hall. Mr. Faecher spoke about Council receiving recent questions and commentary about the plan, as well as recent Planning Board review and approval of the plan. Mr. Faecher spoke about concerns raised at a May 31st meeting with the Seniors attended by Mr. Hall and Mrs. Kingsley. Mr. Faecher spoke about his discussion with Mr. Bonnaci. In regards to location and space for the Seniors, Mr. Faecher stated that the presented plan shows concepts and plans. He noted that tonight’s vote is for the use of this property as a municipal complex. Mr. Faecher noted that the location of where things will go is still very much up in the air and the subject of commentary. Mr. Faecher stated that he was happy to see everyone here. He also noted that the inside of the building is still in concept and the architect is looking at the possibility of shifting things around.

Mrs. Joan Luciano of 1099 Mountain Avenue stated that the number one issue was that they do not want to be in the basement and elaborated. She spoke about their current arrangement at Mount Carmel. She stated that they would like to have a dedicated office space and elaborated. Ms. Luciano spoke about their desire to get in and out of the building. She spoke about the Senior arrangements in New Providence and Long Hill. Ms. Luciano spoke about a van service proposal and the state of their current bus and elaborated. She spoke about the Council showing respect to Seniors. She closed with the request that the Seniors not go to the basement.

A gentlemen named Frank from Berkshire Drive asked if it was still possible for them to move out of the basement. The Mayor and Mrs. Kingsley responded.

Ms. Elizabeth Behne of Harwood Avenue stated that she loved this town but didn’t like the way that the Seniors are forgotten and elaborated. She asked the Council to see what they could do to help them.

In regards to Redevelopment and ensuing dirt and noise, Mr. Charlie Pratt of 45 Park Avenue asked if the expected building would follow ordinances. The Mayor responded. Discussion ensued (Mr. D’Aquila,

**Township Council Minutes
Public Meeting – June 14, 2016**

Mr. Bussiculo, Mr. Faecher and Mr. Sordillo.) Mr. Pratt spoke about his concern that nothing be done to disrupt the clean water wells. Mr. Faecher responded. During the Municipal Complex building, Mr. Pratt spoke about working to preserve the nearby trees.

A resident named Rose asked that the Council be more considerate and elaborated.

With respect to construction noise, Mr. Tom Foregger of 14 Dorset Road asked if the developer would be held to the noise ordinance. Mr. Sordillo responded. Mr. Foregger noted that the Township does not have the monitoring equipment or trained personnel to use the equipment. Mr. Sordillo responded. Discussion ensued (Mr. Foregger, Mr. Sordillo.) Mr. Foregger stated that he supports the idea that the Seniors do not belong in the basement. Mr. Foregger stated that the use that he would like to eliminate from this site is the Library and elaborated.

Hearing no voices, moved by Mr. Pastore to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Moved by Mr. Pastore that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. D'Aquila and carried.

Mr. Delia asked when the Council will have an answer for the Seniors. Mr. Faecher responded. The Mayor responded. Due to the review of putting the Seniors on the first floor, Mr. Delia stated that he would again reiterate his idea that the library remain where it is and elaborated. Mr. Faecher responded. Mrs. Kingsley responded. Mr. D'Aquila responded.

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON MAY 10, 2016.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Procedure Ordinances to Amend the Design Standards Set Forth in Part 19.”

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

**Township Council Minutes
Public Meeting – June 14, 2016**

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mrs. Kingsley announced that anyone who wanted to leave the meeting should do so.

In regards to page 22, Section 19.5.4.c, Mr. Tom Foregger observed that the annotations on the diagram are impossible to read and asked about the intent of the diagrams. The Mayor responded. Discussion ensued (Mr. Foregger, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and the Mayor.) In regards to page 13, Section 19.4.6, point 7, Mr. Foregger noted that the existing ordinance was being changed. Discussion ensued (the Mayor, Mr. Foregger, Mr. Faecher, and Mr. Sordillo.) Referencing the Urban Design Plan on page 21, 19.5.4, number 3, Mr. Foregger said he wasn't able to find anything called the Urban Design Plan. The Mayor responded. Referencing page 28, Bulb-outs and main intersections, Mr. Foregger stated there wasn't a definition or list of main intersections. The Mayor responded. Discussion ensued. Mr. Foregger spoke about the change in color list. Mr. Foregger spoke about the 1988 visual preference survey. He noted that two people were changing the list instead of the whole community and elaborated. Mr. Pirone responded. Discussion ensued (Mrs. Kingsley, Mr. D'Aquila, and Mr. Pastore.) Mr. Foregger stated that there were a large number of typos in the ordinance and asked how they were going to be fixed. The Mayor and Mr. Sordillo responded. Discussion ensued (Mr. Faecher, Mr. Pastore, Mr. Foregger, the Mayor and Mrs. Kingsley.)

Mr. Kevin Hall of 52 Bristol Court stated that as a member of the Planning Board, he supported the adoption of introduction of Section 19 as well as Section 5. He stated that his only concern was one of enforcement and elaborated. Mr. Bussiculo responded. Discussion ensued (the Mayor, Mr. Sordillo and Mr. Pirone, Mr. Hall and Mr. Bussiculo.)

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated June 14, 2016 in the amount of \$652,253.14.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mrs. Kingsley introduced the following resolution:

2. Resolution consenting to the re-appointment of Ana P. Minkoff to the position of Township Clerk.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. Pirone introduced the following resolution:

3. Resolution authorizing a release of a partial Performance Bond to JP Morgan Chase Bank for work performed at 324 Springfield Avenue, Block 801, Lots 29 & 30.

Moved by Mr. Pirone to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pastore introduced the following resolutions:

- a. Resolution authorizing the Tax Collector to refund the following 2016 tax overpayment:
Wells Fargo 37 Janet Lane \$5,206.10
- b. Resolution authorizing Garden State Fireworks to hold fireworks displays on June 26 and August 6, 2016.
- c. Resolution endorsing a Blue Light Permit to James Hintze, from the Volunteer Fire Department.
- d. Resolution endorsing a Blue Light Permit to Austin Bucossi, from the Volunteer Fire Department.
- e. Resolution authorizing a block party between Beech Avenue and 77 Sycamore Avenue on Sunday, July 10, 2016 between the hours of 2:00 p.m. – 8:00 p.m. with a rain date of July 16, 2016.

Moved by Mr. Pastore to approve Consent Agenda Resolution #6a through e, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

CITIZENS HEARING

Moved by Mr. D'Aquila to open the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

In regards to landscaping at Chase Bank, Mr. Bussiculo commented about the Township's work to get the area cleaned up.

Mr. John Sincaglia of 22 Robbins Avenue asked about the status of the property on Mead Street and elaborated. Discussion ensued. Mr. Sincaglia asked about the piece of property next to Delicious Heights. Mr. Bussiculo responded. Noting that the digging stopped about 50 yards before Lawrence Drive, Mr. Sincaglia asked whether the Water Company was finished. Mr. Bussiculo responded. Discussion ensued.

In regards to settlements, Mr. Charlie Pratt asked about other municipalities, specifically, 1) precedents being set, 2) status of their settles, and 3) whether this would give us a lot of trouble. Mr. Faecher stated that he couldn't comment on every town. Mr. Faecher stated that we are in the middle of this and he wouldn't comment "much" on our situation and elaborated. The Mayor responded.

**Township Council Minutes
Public Meeting – June 14, 2016**

In regards, to COAH, Mr. Sander Raaymakers asked what happened to Connell's request to build there. Mr. Faecher responded. Discussion ensued (Mr. Raaymakers and Mr. Faecher.) In regards to 100 Locust, Mr. Raaymakers stated that the last permit issued occurred in May 2014 (for interior demolition.) Mr. Raaymakers stated that is not what is going on. Instead, he noted, that a full-on demolition of the whole building is occurring and elaborated. Discussion ensued (Mr. Faecher, Mr. Raaymakers, Mr. Bussiculo, Mr. Sordillo and Mr. Pirone.) Mr. Raaymakers spoke about the noise at 100 Locust. Discussion ensued. In regards to COAH, Mr. Raaymakers asked about the 30 year term and standard in the 55 plus at Locust. Discussion ensued (Mr. Bussiculo and Mr. Faecher.) In regards to the intersection at Locust and Timber, Mr. Raaymakers stated that it was very dangerous and elaborated. He asked if a crossing guard could be at that location. Mr. Bussiculo responded.

In regards to the Affordable Housing litigation, Ms. Carol Matula of 5 Hastings Road asked about the anticipated budget. Mr. Faecher responded. She asked if the Township had begun preparing. The Mayor responded.

In regards to Affordable Housing, Mr. Tom Foregger asked if all legislative power resides in the legislature. The Mayor responded. Mr. Foregger asked if the Court was trying to make the law. The Mayor responded. Mr. Faecher responded. Discussion ensued (Mr. Foregger, Mr. Faecher and the Mayor.)

Hearing no voices, moved by Mr. D'Aquila to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

EXECUTIVE SESSION –

1. Attorney/Client Privilege- Litigation-Affordable Housing
2. Attorney-Client Privilege / Contract Negotiations – Connell
3. Attorney-Client Privilege / Contract Negotiations –YMCA

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(9:23 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(9:58 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

**Township Council Minutes
Public Meeting – June 14, 2016**

The Mayor reminded all that they would be coming out of Executive Session, only to adjourn.

ADJOURNMENT

Moved by Mr. Faecher to adjourn, seconded by Mr. Pirone, and upon roll call vote:
(9:59 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Approved: June 28, 2016